

II

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2D SESSION

# H. R. 5155

34

## IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, MARCH 26), 1984

Received; read twice and referred to the Committee on Commerce, Science, and  
Transportation

## AN ACT

To establish a system to promote the use of land remote-sensing  
satellite data, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Land Remote-Sensing  
4 Commercialization Act of 1984".

5 TITLE I—DECLARATION OF FINDINGS,

6 PURPOSES, AND POLICIES

7 FINDINGS

8 SEC. 101. The Congress finds and declares that—

9 (1) the continuous civilian collection and utiliza-  
10 tion of land remote-sensing data from space is of major  
11 benefit in managing the Earth's natural resources and

1 in planning or conducting many other activities of eco-  
2 nomic importance;

3 (2) the national interest of the United States lies  
4 in maintaining international leadership in civil remote-  
5 sensing and in broadly promoting the beneficial use of  
6 remote-sensing data;

7 (3) land remote-sensing by the Government or pri-  
8 vate parties of the United States affects international  
9 commitments and policies and national security con-  
10 cerns of the United States;

11 (4) the broadest and most beneficial use of land  
12 remote-sensing data is likely to result from maintaining  
13 a policy of nondiscriminatory access to data;

14 (5) use of land remote-sensing data has been in-  
15 hibited by slow market development and by the lack of  
16 assurance of data continuity;

17 (6) the private sector, and in particular the  
18 "value-added" industry, is best suited to develop land  
19 remote-sensing data markets;

20 (7) vigorous, competitive, market-driven private  
21 sector involvement in land remote-sensing can lead to  
22 rapid realization of the potential benefits of that tech-  
23 nology;

24 (8) to utilize fully the strengths of the private  
25 sector, any process of commercialization of land

1 remote-sensing should involve the maximum practica-  
2 ble competition and the minimum (both in duration and  
3 amount) practicable Government subsidy;

4 (9) at the present time, it is unclear that the pri-  
5 vate sector alone will develop a total land remote-sens-  
6 ing system because of the high risk and large capital  
7 expenditures involved;

8 (10) cooperation between the Federal Government  
9 and the private sector can help assure both data con-  
10 tinuity and United States leadership;

11 (11) the time is now appropriate to initiate such  
12 cooperation with phased transition to a fully commer-  
13 cial system;

14 (12) cooperation between Government and the  
15 private sector in civil land remote-sensing should be  
16 structured so as to minimize Government direction and  
17 regulation and maximize private sector involvement;

18 (13) nevertheless, certain Government oversight  
19 must be maintained to assure that private sector activi-  
20 ties are in the national interest and that the interna-  
21 tional commitments and policies of the United States  
22 are honored; and

23 (14) there is no compelling reason to commercial-  
24 ize meteorological satellites at this time.

1 PURPOSES

2 SEC. 102. It is therefore the purpose of this Act—

3 (1) to guide the United States Government in pro-  
4 moting full, prompt, and proper involvement of the pri-  
5 vate sector in civil land remote-sensing from space;

6 (2) to maintain the United States leading position  
7 in civil remote-sensing, preserve its national security,  
8 and fulfill its international obligations;

9 (3) to prescribe conditions for assuring continuity  
10 of civil land remote-sensing data while protecting  
11 public and private nondiscriminatory access to these  
12 data;

13 (4) to minimize the duration and amount of any  
14 further Federal investment that might be necessary to  
15 achieve full commercialization of civil land remote-  
16 sensing; and

17 (5) to prohibit commercialization of meteorological  
18 satellites at this time.

19 POLICIES

20 SEC. 103. (a) It shall be the policy of the United States  
21 to preserve its right to acquire and disseminate digital  
22 remote-sensing data.

23 (b) It shall be the policy of the United States that civil-  
24 ian digital remote-sensing data be made available to all po-  
25 tential users on a nondiscriminatory basis.

(c) It shall be the policy of the United States both to commercialize those space remote-sensing functions that properly lend themselves to private sector operation and to avoid competition by the Government with such commercial operations, while continuing to preserve our national security, to honor our international obligations, and to retain in the Government those remote-sensing functions that are essentially of a public service nature.

## 9 DEFINITIONS

10        SEC. 104. For purposes of this Act:

(1) The term “digital remote-sensing data” means the unprocessed and minimally processed signals collected from civil remote-sensing space systems or original film products collected from such systems. Such minimal processing shall be limited to rectification of instrumental distortions, registration with respect to features on the Earth, and calibration of spectral response. Such term does not include conclusions, manipulations, or calculations derived from such signals or combination of the signals with other data or information. Unless otherwise limited, digital remote-sensing data includes land and ocean sensed data.

23                   (2) The term “Secretary” means the Secretary of  
24           Commerce.

1           (3)(A) The term "on a nondiscriminatory basis"  
2           means without preference, bias, or any other special  
3           arrangement regarding delivery, format, financing, or  
4           technical considerations which would favor one buyer  
5           or class of buyers over another.

6           (B) The sale of data is made on a nondiscrimina-  
7           tory basis only if (i) any offer to sell or deliver data is  
8           published in advance in such manner as will ensure  
9           that the offer is equally available to all prospective  
10          buyers; (ii) the system operator has not established or  
11          changed any price, policy, procedure, or other term or  
12          condition in a manner which gives one buyer or class  
13          of buyer de facto favored access to data; and (iii) in a  
14          case where a system operator offers volume discounts,  
15          such discounts are no greater than the demonstrable  
16          reductions in the cost of such sales. The sale of data  
17          on a nondiscriminatory basis does not preclude the  
18          system operator offering discounts other than volume  
19          discounts to the extent that such discounts are not in-  
20          consistent with any other provision of this paragraph.

21          (C) The sale of data on a nondiscriminatory basis  
22          does not require (i) that a system operator disclose  
23          names of buyers or their purchases; (ii) that a system  
24          operator maintain all, or any particular subset of, data  
25          in a working inventory; or (iii) that a system operator

1       expend equal effort in developing all segments of a  
2       market.

3           (4) The term "Landsat system" means Landsat 1,  
4       2, 3, 4, and 5, and related ground equipment, systems,  
5       and facilities, and any successor civil land remote-sens-  
6       ing satellites operated by the United States Govern-  
7       ment prior to the commencement of the six-year period  
8       described in section 302(b)(2).

9           (5) The term "system operator" means a contrac-  
10      tor under title II or a license holder under title IV.

11      **TITLE II—CONTRACT FOR EXISTING LAND**  
12      **REMOTE-SENSING SATELLITE SYSTEM**

13                      **CONTRACT REQUIREMENTS**

14      **SEC. 201.** (a) In accordance with the requirements of  
15      this Act, the Secretary shall, subject to the availability of  
16      appropriations therefor, contract with a United States private  
17      sector party (as defined by the Secretary) to market digital  
18      remote-sensing data generated by the Landsat system. If the  
19      Secretary determines that competition for such contract will  
20      promote the policies and purposes of this Act, the Secretary  
21      may accept proposals for such contract which include the op-  
22      eration by such United States private sector party of (1) the  
23      space component of the Landsat system, (2) the related  
24      ground equipment, systems, and facilities, or (3) both such

1 space component and such related equipment, systems, and  
2 facilities.

3 (b) A contract awarded under subsection (a) shall be  
4 awarded, after competition, in accordance with the conditions  
5 of section 203. Such contract may be reawarded competi-  
6 tively after the practical demise of the space segment of the  
7 Landsat system, as determined by the Secretary.

8 (c) Any contract authorized by subsection (a)—

9 (1) shall not permit the transfer to any contractor  
10 of title to any part or all of the Landsat system; and

11 (2) may specify that the contractor use, and, at  
12 his own expense, maintain, repair, or modify elements  
13 of the Landsat system as the contractor finds necessary  
14 for commercial operations.

15 (d) If, as a result of the competitive process required by  
16 subsection (b), the Secretary receives no proposal which he  
17 finds acceptable under the conditions of this Act, the Secre-  
18 tary shall so certify and fully report his findings to the Con-  
19 gress. Thirty days after so certifying and reporting, the Sec-  
20 retary may reopen the competition. If no acceptable propos-  
21 als are received after such subsequent competition, or if the  
22 Secretary decides not to reopen the competition, the Secre-  
23 tary shall so certify and fully report his findings to the Con-  
24 gress. In the event that no acceptable proposal is received,



1 the Secretary shall continue to operate the Landsat system  
2 and to market data from such system.

3 (e) In defining "United States private sector party" for  
4 purposes of subsection (a), the Secretary may take into ac-  
5 count the citizenship of key personnel, location of assets, for-  
6 eign ownership, control, and influence, and other such  
7 factors.

8 SALE OF DATA

9 SEC. 202. (a) The United States Government shall  
10 retain title to any and all data generated by the Landsat  
11 system. However, after the date of the commencement of the  
12 contract described in section 201(a), the contractor shall be  
13 entitled to revenues from sales of copies of data from the  
14 Landsat system, subject to the conditions specified in sections  
15 601 and 602 of this Act.

16 (b) The contractor may continue to market data previ-  
17 ously generated by the Landsat system after the demise of  
18 the space segment of that system.

19 CONDITIONS OF COMPETITION FOR CONTRACT

20 SEC. 203. (a) The Secretary of Commerce shall, as part  
21 of his advertisement for the competition for the contract au-  
22 thorized by section 201, identify and publish the international  
23 obligations, national security concerns (with appropriate pro-  
24 tection of sensitive information), domestic legal consider-

1 ations, and any other standards or conditions which a private  
2 contractor shall be required to meet.

3 (b) In selecting a contractor under this title, the Secre-  
4 tary shall consider—

5 (1) ability to market aggressively digital remote-  
6 sensing data;

7 (2) the best overall financial return to the Govern-  
8 ment, including the potential savings to the Govern-  
9 ment;

10 (3) ability to meet the obligations, concerns,  
11 standards, and conditions identified under subsection  
12 (a);

13 (4) technical competence, including the ability to  
14 assure continuity and timeliness of data from the Land-  
15 sat system;

16 (5) absence of any conflicts of interest which could  
17 inhibit nondiscriminatory access to such data;

18 (6) ability to effect a smooth transition with the  
19 contractor selected under title III of this Act; and

20 (7) such other factors as he deems appropriate.

21 FOREIGN GROUND STATIONS

22 SEC. 204. (a) The contract under this title shall provide  
23 that the contractor shall act as the agent of the Secretary by  
24 continuing to supply digital remote-sensing data to foreign  
25 ground stations for the life, and according to their terms, of

1 those agreements between the United States Government  
2 and such foreign ground stations that are in force on the date  
3 of the commencement of the contract.

4 (b) Upon the expiration of such agreements, or in the  
5 case of foreign ground stations that have no agreement with  
6 the United States on the date of commencement of the con-  
7 tract, the contract shall provide—

8 (1) that digital remote-sensing data from the  
9 Landsat system shall be made available to foreign  
10 ground stations only by the contractor; and

11 (2) that such data shall be made available on a  
12 nondiscriminatory basis.

13 TITLE III—PROVISION OF DATA CONTINUITY  
14 DURING TRANSITION PERIOD

15 PURPOSES AND DEFINITIONS

16 SEC. 301. (a) It is the purpose of this title—

17 (1) to provide, in an orderly manner and with  
18 minimal risk, for a transition between Government op-  
19 eration and private, commercial operation of civil land  
20 remote-sensing space systems; and

21 (2) to provide for the continuity of MSS data for  
22 six years after the practical demise of the space seg-  
23 ment of the Landsat system.

24 (b) For purposes of this title—

1           (1) the term "Multi-Spectral Scanner" means the  
2           instrument referred to by that name and carried on the  
3           Landsat 4 and Landsat 5 satellites; and

4           (2) the term "MSS data" means digital remote-  
5           sensing data which, from the point of view of a data  
6           user, are—

7                   (A) functionally equivalent to data from the  
8                   Multi-Spectral Scanner; and

9                   (B) compatible with data and with equipment  
10           used to receive and process data from such  
11           Scanner.

12       CONTRACT FOR DATA AVAILABILITY AND CONTINUITY

13       SEC. 302. (a) Subject to the availability of appropri-  
14       ations therefor and to the licensing conditions established  
15       under title IV, the Secretary shall, after competition, con-  
16       tract with a United States private sector party (as defined by  
17       the Secretary pursuant to section 201) for the provision by  
18       such party of the capability of generating data of a quality at  
19       least equal to the quality of MSS data and of selling and  
20       delivering such data to the Federal Government. The capa-  
21       bility shall include, at a minimum, the capability to generate  
22       and deliver MSS data at the annual volume of Federal usage  
23       during fiscal year 1983, as determined by the Secretary. The  
24       capability may be provided by the contractor using whatever  
25       technologies the contractor may select. In addition, the con-

1 tractor may make available data of a higher quality or of a  
2 different type than MSS data.

3 (b) The contract authorized by subsection (a)—

4 (1) shall be entered into as soon as practicable, al-  
5 lowing for the competitive procurement process;

6 (2) shall, in accordance with criteria determined  
7 and published by the Secretary, reasonably assure the  
8 provision of the capability described in subsection (a)  
9 for a period of six years, beginning as soon as practica-  
10 ble in order to minimize any interruption of data  
11 availability;

12 (3) shall terminate one year after the expiration of  
13 the six-year period described in paragraph (2);

14 (4) may, subject to section 305 of the Federal  
15 Property and Administrative Services Act of 1949 (41  
16 U.S.C. 255), provide for a payment by the Secretary  
17 to cover a portion of the capital cost of providing such  
18 capability, which may be paid in installments (A) based  
19 on progress prior to the beginning of the six-year  
20 period described in paragraph (2), and (B) the sum of  
21 which shall be less than the total cost of procuring the  
22 system required to assure the capability for six years;

23 (5) shall provide that sale of digital remote-sens-  
24 ing data shall be in accordance with the provisions of  
25 section 303 of this title;

1           (6) shall not provide for any guaranteed data pur-  
2           chases by the Federal Government; and

3           (7) may provide that the contractor utilize, on a  
4           space-available basis, civilian Government satellites as  
5           platforms for a civil remote-sensing satellite system,  
6           if—

7                   (A) the contractor immediately reimburses  
8                   the Government for all related costs incurred with  
9                   respect to such utilization, including a reasonable  
10                  and proportionate share of fixed, spacecraft, data  
11                  transmission, and launch costs; and

12                  (B) such utilization would not interfere with  
13                  or otherwise in any way compromise the intended  
14                  civilian Government missions, as determined by  
15                  the agency responsible for the civilian satellite.

16          (c) The contract authorized by subsection (a) shall be  
17          awarded on the basis of—

18                  (1) the cost to the Government of the payment  
19                  under subsection (b)(4);

20                  (2) the reliability, technical competence, and fi-  
21                  nancial condition of the contractor;

22                  (3) the contractor's ability to develop the remote-  
23                  sensing data market;

24                  (4) the contractor's ability to supplement basic ca-  
25                  pabilities specified in section 302(a) by adding remote-

1       sensing capabilities (at the contractor's expense and  
2       consistent with national security concerns) which main-  
3       tain United States leadership in remote-sensing;

4               (5) the contractor's ability to meet the conditions  
5       for obtaining a license under title IV;

6               (6) the contractor's ability to provide digital  
7       remote-sensing data on a timely and reliable basis;

8               (7) the contractor's ability to effect a smooth tran-  
9       sition with any contractor selected under title II;

10              (8) the royalty or profit- or revenue-sharing ar-  
11       rangement, or other such financial consideration offered  
12       to the Federal Government; and

13              (9) such other factors as the Secretary deems ap-  
14       propriate.

15       (d) If, as a result of the competitive process required by  
16       subsection (a), the Secretary receives no proposal which he  
17       finds acceptable under the conditions of this Act, the Secre-  
18       tary shall so certify and fully report his findings to the Con-  
19       gress. Thirty days after so certifying and reporting, the Sec-  
20       retary may reopen the competition. If no acceptable propos-  
21       als are received after such subsequent competition, or if the  
22       Secretary decides not to reopen the competition, the Secre-  
23       tary shall so certify and fully report his findings to the Con-  
24       gress. Ninety days after so certifying and reporting, the Sec-  
25       retary is authorized to assure MSS data continuity by pro-

5 SALE OF DATA

(c) After the six-year period described in section 302(b)(2), the contractor may continue to sell data and, if licensed under title IV of this Act, to operate a civil remote-sensing space system.



17

**REPORT**

1  
2       SEC. 304. Two years after the date of the commence-  
3 ment of the six-year period described in section 302(b)(2) the  
4 Secretary shall report to the President and to the Congress  
5 on the progress of the transition to fully private financing,  
6 ownership, and operation of remote-sensing space systems,  
7 together with any recommendations for actions, including ac-  
8 tions necessary to ensure United States leadership in civilian  
9 land remote-sensing from space.

10       **TITLE IV—LICENSING OF PRIVATE REMOTE-**  
11               **SENSING SPACE SYSTEMS**

12               **GENERAL AUTHORITY**

13       SEC. 401. The Secretary is authorized, after consulta-  
14 tion with other appropriate Federal agencies, to grant, sus-  
15 pend, modify, or revoke licenses under this title, and to take  
16 any other such actions as he deems necessary in order to  
17 carry out the provisions of this title.

18               **CONDITIONS FOR OPERATION**

19       SEC. 402. (a) No private sector party may operate any  
20 remote-sensing space system which is subject to the jurisdic-  
21 tion or control of the United States (as determined by the  
22 Secretary) without a license pursuant to section 403.

23       (b) Any license issued pursuant to section 403 shall be  
24 subject to the following conditions:

1           (1) The system shall be operated in such manner  
2           as to preserve and promote the national security of the  
3           United States and to observe and implement the inter-  
4           national obligations of the United States.

5           (2) Digital remote-sensing data shall be made  
6           available to all potential users on a nondiscriminatory  
7           basis.

8           (3) No license issued under this title shall protect  
9           the licenseholder from fair competition from other li-  
10          censeholders.

11          (4) Any private sector party proposing to be li-  
12          censed under section 403 shall agree, as a condition for  
13          the receipt of such license, that prior to disbanding or  
14          terminating operations under the license, the license-  
15          holder will make disposition of any orbiting satellites in  
16          a manner satisfactory to the President.

17          (5) Any private sector party proposing to be li-  
18          censed under section 403 shall agree, as a condition for  
19          the receipt of such license, to provide to the Secretary  
20          any data generated under such license which the Sec-  
21          retary may request for the purpose of archiving pursu-  
22          ant to section 602.

23          (6) For the purposes of ensuring compliance with  
24          the provisions of this Act concerning nondiscriminatory  
25          access to data, any private sector party proposing to be

1 licensed under section 403 shall agree, as a condition  
2 for the receipt of such license—

3 (A) to notify the Secretary of any “value-  
4 added” activities (as defined by the Secretary by  
5 regulation) that will be conducted by the licensee  
6 or by a subsidiary or affiliate of the licensee; and

7 (B) to provide the Secretary with a plan for  
8 the conduct of such activities which will ensure  
9 compliance with such provisions concerning non-  
10 discriminatory access.

11 AUTHORITY OF THE SECRETARY

12 SEC. 403. (a) The Secretary is authorized to license  
13 qualified private sector parties to operate civil remote-sensing  
14 space systems in accordance with the provisions of this Act.

15 (b) Any license issued under subsection (a) shall be in  
16 effect for such period as the Secretary may specify.

17 (c) Any private sector party may apply to the Secretary  
18 for issuance, transfer, or termination of a license under this  
19 title in a form and manner prescribed by the Secretary. Each  
20 application under this section shall set forth the activities  
21 proposed to be carried out under the license, including meas-  
22 ures taken to comply with those operating requirements spec-  
23 ified in section 402 of this Act.

24 (d) No license shall be granted by the Secretary unless  
25 he determines in writing that the applicant will comply with

1 the requirements of this Act, the regulations issued pursuant  
2 to this Act, and the international obligations and national se-  
3 curity concerns of the United States. The Secretary shall  
4 review any application and make a determination thereon  
5 within one hundred and twenty days of the receipt of an ap-  
6 plication. If final action has not occurred within such time,  
7 the Secretary shall inform the applicant of any pending issues  
8 and of actions required to resolve them.

9 (e) The Secretary may revoke, suspend, or modify a li-  
10 cense issued under this title if the Secretary determines and  
11 notifies the licensee in writing that the licensee has substan-  
12 tially failed to comply with any provision of this Act, with  
13 any regulation issued under this Act, with any terms, condi-  
14 tions, or restrictions of such license, or with any international  
15 obligation or national security concern of the United States.

16 (f) Any applicant or licensee who makes a timely re-  
17 quest for review of a denial of issuance or transfer; revoca-  
18 tion; suspension; conditioning; or modification of a license  
19 shall be entitled to adjudication by the Secretary on the  
20 record after an opportunity for an agency hearing with re-  
21 spect to such denial, revocation, suspension, conditioning, or  
22 modification. Any final action by the Secretary under this  
23 subsection shall be subject to judicial review under chapter 7  
24 of title 5, United States Code.

1           REGULATORY AUTHORITY OF THE SECRETARY

2           SEC. 404. (a) The Secretary may issue regulations to  
3 carry out the provisions of this title.

4           (b) Regulations issued by the Secretary under this title  
5 shall be promulgated only after public notice and comment in  
6 accordance with the provisions of section 553 of title 5,  
7 United States Code.

8           ENFORCEMENT AUTHORITY OF THE SECRETARY

9           SEC. 405. (a) Each license issued by the Secretary shall  
10 require the licensee—

11           (1) to allow the Secretary or his designated offi-  
12 cers to inspect any financial or business records associ-  
13 ated with remote-sensing or “value-added” activities,  
14 and

15           (2) to allow the Secretary or his designated offi-  
16 cers to inspect any space-related or ground segment  
17 hardware or software to be utilized by the licensee in  
18 remote-sensing activities.

19           (b) It is unlawful for any person to violate any regula-  
20 tion or provision of any license issued under this Act, to vio-  
21 late any space treaty or law implementing any space treaty,  
22 or to prevent or inhibit the monitoring of remote-sensing ac-  
23 tivities or “value-added” activities by the Secretary or his  
24 designated officers.

1       (c) Any person who after notice and opportunity to be  
2 heard in accordance with title 5, United States Code, is found  
3 by the Secretary to have committed any act prohibited by  
4 subsection (b) shall be liable for a civil penalty of not more  
5 than \$10,000 for each violation. Each day of continuing op-  
6 eration in violation shall constitute a separate violation. The  
7 Secretary may compromise, modify, or remit any such civil  
8 penalty.

9       (d) For the purpose of conducting any hearing under this  
10 section, the Secretary may issue subpoenas for any materials,  
11 documents, or records, or for the attendance and testimony of  
12 witnesses.

13       (e) In carrying out his enforcement responsibilities, the  
14 Secretary may—

15           (1) seize any object, record, or report where it  
16 reasonably appears that such was used, is being used,  
17 or is likely to be used in violation of this Act; or

18           (2) make investigations and inquiries and adminis-  
19 ter to or take from any person an oath affirmation or  
20 affidavit concerning any matter relating to the enforce-  
21 ment of this Act.

22       (f) The Secretary is authorized to terminate any licensed  
23 operations on an immediate basis when it reasonably appears  
24 that operation in violation of any provision of this Act, or any  
25 provision of a license issued under this Act, or of any obliga-

1 tion of the United States under a space treaty, would be det-  
2 rimental to the national interest.

3 AGENCY ROLES

4 SEC. 406. (a) A private sector party may apply for a  
5 license to operate a remote-sensing space system which uti-  
6 lizes, on a space-available basis, a civilian United States  
7 Government satellite or vehicle as a platform for such  
8 system.

9 (b) The Secretary, pursuant to the authorities of this  
10 title, may license such system if it meets all conditions of this  
11 Act, and if—

12 (1) the applicant agrees, as a condition for the re-  
13 ceipt of such license, to reimburse the Government im-  
14 mediately for all related costs incurred with respect to  
15 such utilization, including a reasonable and proportion-  
16 ate share of fixed, spacecraft, data transmission, and  
17 launch costs; and

18 (2) such utilization would not interfere with or  
19 otherwise compromise the intended Government mis-  
20 sions, as determined by the agency responsible for the  
21 satellite or vehicle.

22 (c) The Secretary may offer assistance to private sector  
23 parties in finding appropriate opportunities for such  
24 utilization.

1 (d) Federal agencies are authorized to enter into agree-  
2 ments for such utilization if such agreements are consistent  
3 with the agency's mission, statutory authority, and appropri-  
4 ation Acts, and if such remote-sensing space system is li-  
5 censed by the Secretary.

6 (e) The provisions of this section do not apply to activi-  
7 ties carried out pursuant to title V.

8  
9 **TERMINATION**

10 **SEC. 407.** If, five years after the expiration of the six-  
11 year period described in section 302(b)(2), no private sector  
12 party has been licensed and continued in operation under the  
13 provisions of this title, the authority of this title shall  
14 terminate.

15  
16 **TITLE V—RESEARCH AND DEVELOPMENT**

17  
18 **PURPOSE AND POLICY**

19 **SEC. 501.** It is the purpose of this title to provide for a  
20 comprehensive civilian program of research, development,  
21 and demonstration to enhance the United States capabilities  
22 for remote-sensing from space, as well as to enhance the ap-  
23 plication and utilization of such capabilities.

24  
25 **CONTINUED FEDERAL RESEARCH AND DEVELOPMENT**

26 **SEC. 502.** (a)(1) The Administrator of the National  
27 Aeronautics and Space Administration is directed to continue  
28 and to enhance such Administration's programs of remote-  
29 sensing research and development.



1       (2) The Administrator is authorized and encouraged  
2 to—

3           (A) conduct experimental space remote-sensing  
4 programs (including applications demonstration pro-  
5 grams and basic research at universities);

6           (B) develop remote-sensing technologies and tech-  
7 niques, including those needed for monitoring the  
8 Earth and its environment; and

9           (C) conduct such research and development in co-  
10 operation with other public and private research enti-  
11 ties, including private industry, universities, State and  
12 local governments, foreign governments, and interna-  
13 tional organizations, and to enter into arrangements  
14 (including joint ventures) which will foster such  
15 cooperation.

16       (b)(1) The Secretary shall conduct a continuing program  
17 of—

18           (A) research in applications of remote-sensing;

19           (B) monitoring of the Earth and its environment;

20       and

21           (C) development of technology for such monitor-  
22 ing.

23       (2) Such program may include support of basic research  
24 at universities.

1       (3) The Secretary is authorized and encouraged to con-  
2 duct such research, monitoring, and development in coopera-  
3 tion with other public and private research entities, including  
4 private industry, universities, State and local governments,  
5 foreign governments, and international organizations, and to  
6 enter into arrangements (including joint ventures) which will  
7 foster such cooperation.

8       (c) Other Federal agencies are authorized and encour-  
9 aged to conduct research and development on the use of  
10 remote-sensing in fulfillment of their authorized missions,  
11 using funds appropriated for such purposes.

12       (d) The Secretary and the Administrator of the National  
13 Aeronautics and Space Administration shall, within one year  
14 after the date of enactment of this Act and biennially thereaf-  
15 ter, jointly develop and transmit to the Congress a report  
16 which includes (1) a unified national plan for remote-sensing  
17 research and development applied to the Earth and its atmos-  
18 phere; (2) a compilation of progress in the relevant ongoing  
19 research and development activities of the Federal agencies;  
20 and (3) an assessment of the state of our knowledge of the  
21 Earth and its atmosphere, the needs for additional research  
22 (including research related to operational Federal remote-  
23 sensing space programs), and opportunities available for fur-  
24 ther progress.

## 1                   USE OF EXPERIMENTAL DATA

2       SEC. 503. Data gathered in Federal experimental space  
3 remote-sensing programs may be used in related research  
4 and development programs funded by the Federal Govern-  
5 ment (including applications programs) and cooperative re-  
6 search programs, but not for commercial uses or in competi-  
7 tion with private sector activities, except as permitted by sec-  
8 tion 504.

## 9                   SALE OF EXPERIMENTAL DATA

10      SEC. 504. Data gathered in Federal experimental space  
11 remote-sensing programs may be sold en bloc through a com-  
12 petitive process (consistent with national security interests  
13 and international obligations of the United States) to any  
14 United States entity which will market the data on a nondis-  
15 criminatory basis.

## 16                   TITLE VI—GENERAL PROVISIONS

## 17                   NONDISCRIMINATORY DATA AVAILABILITY

18      SEC. 601. (a) Any digital remote-sensing data generated  
19 by any system operator under the provisions of this Act shall  
20 be made available to all users on a nondiscriminatory basis in  
21 accordance with the requirements of this Act.

22      (b) Any system operator shall make publicly available  
23 the prices, policies, procedures, and other terms and condi-  
24 tions (but not, in accordance with section 104(3)(C), the

1 names of buyers or their purchases) upon which the operator  
2 will sell such data.

3

#### ARCHIVING OF DATA

4 SEC. 602. (a) It is in the public interest for the United  
5 States Government—

6 (1) to maintain an archive of land remote-sensing  
7 satellite data for historical, scientific, and technical  
8 purposes, including long-term global environmental  
9 monitoring;

10 (2) to control the content and scope of the ar-  
11 chive; and

12 (3) to assure the quality, integrity, and continuity  
13 of the archive.

14 (b) The Secretary shall provide for long-term storage,  
15 maintenance, and upgrading of a basic, global, land remote-  
16 sensing data set (hereafter referred to as the “basic data set”)  
17 and shall follow reasonable archival practices to assure  
18 proper storage and preservation of the basic data set and  
19 timely access for parties requesting data. The basic data set  
20 which the Secretary assembles in the Government archive  
21 shall remain distinct from any inventory of data which a  
22 system operator may maintain for sales and for other  
23 purposes.

24 (c) In determining the initial content of, or in upgrading,  
25 the basic data set, the Secretary shall—

- 1           (1) use as a baseline the MSS data currently  
2       archived;
- 3           (2) take into account future technical and scien-  
4       tific developments and needs;
- 5           (3) consult with and seek the advice of users and  
6       producers of remote-sensing data and data products,  
7       keeping the Congress advised of such contacts;
- 8           (4) consider the public's need for data which may  
9       be duplicative in terms of geographical coverage but  
10      which differ in terms of season, spectral bands, resolu-  
11      tion, or other relevant factors;
- 12          (5) include, as the Secretary deems appropriate,  
13      digital remote-sensing data generated either by the  
14      Landsat system, pursuant to title III, or by license  
15      holders under title IV; and
- 16          (6) include, as he deems appropriate, data collect-  
17      ed by foreign ground stations or by foreign remote-  
18      sensing space systems.
- 19      (d) All original data (or copies thereof) shall, on request,  
20      be made promptly available to the Secretary by any system  
21      operator in a form suitable for processing for data storage,  
22      maintenance, and access. The Secretary is authorized (sub-  
23      ject to the availability of appropriations) to pay to such  
24      system operator reasonable costs for reproduction and trans-  
25      mittal of any such data.

1       (e) Any system operator shall have the exclusive right  
2 to sell all data that the operator provides to the United States  
3 remote-sensing data archive for a period to be determined by  
4 the Secretary but not to exceed ten years from the date the  
5 data are sensed. In the case of data generated from the Land-  
6 sat system prior to the implementation of the contract de-  
7 scribed in section 201(a) of this Act, any contractor selected  
8 pursuant to section 201 shall have the exclusive right to  
9 market such data on behalf of the United States Government  
10 for the duration of such contract. A system operator may  
11 relinquish his exclusive right and consent to distribution from  
12 the archive before the period of exclusive right has expired by  
13 terminating his offer to sell particular data.

14       (f) After expiration of such exclusive right to sell, or  
15 after relinquishment of such right, the data provided to the  
16 United States remote-sensing data archive shall be in the  
17 public domain and shall be made available to requesting par-  
18 ties by the Secretary at prices reflecting reasonable costs of  
19 reproduction and transmittal.

20       (g) In carrying out the functions of this section, the Sec-  
21 retary may use existing facilities or may contract with a pri-  
22 vate sector party or parties for the performance of such func-  
23 tions, subject to the availability of appropriations therefor.

## NONREPRODUCTION

1

2 SEC. 603. Digital remote-sensing data distributed by  
3 any system operator under the provisions of this Act may be  
4 sold under the condition that such data will not be repro-  
5 duced or disseminated by the purchaser.

## 6 REIMBURSEMENT FOR ASSISTANCE; SALE OF EQUIPMENT

7 SEC. 604. (a) The Administrator of the National Aero-  
8 nautics and Space Administration, the Secretary of Defense,  
9 and the heads of other Federal agencies are authorized to  
10 provide assistance to system operators under the provisions  
11 of this Act. Substantial assistance, such as launch services,  
12 shall be reimbursed by the system operator.

13 (b) The Secretary may allow a licensee under section  
14 403, or any other private sector party, to buy or otherwise  
15 acquire the use of equipment from the Landsat system, when  
16 such equipment is no longer needed for the operation of that  
17 system or for the sale of data from that system. Officials of  
18 other Federal civilian agencies are authorized and encour-  
19 aged to cooperate with the Secretary in carrying out this  
20 subsection.

## 21 RADIO FREQUENCY ALLOCATION

22 SEC. 605. The Federal Communications Commission  
23 and the Secretary are encouraged to allocate to any license  
24 holder under title IV of this Act access to Government radio  
25 frequencies and other civil radio frequencies appropriate for

1 space remote-sensing systems in a timely manner consistent  
2 with international obligations and with the national interest.

3  
CONSULTATION

4 SEC. 606. (a) The Secretary shall consult with the Sec-  
5 retary of Defense on all matters under this Act affecting na-  
6 tional security. The Secretary of Defense shall be responsible  
7 for determining those conditions, consistent with this Act,  
8 necessary to meet national security concerns of the United  
9 States and for notifying the Secretary promptly of such  
10 conditions.

11 (b)(1) The Secretary shall consult with the Secretary of  
12 State on all matters under this Act affecting international  
13 obligations. The Secretary of State shall be responsible for  
14 determining those conditions, consistent with this Act, neces-  
15 sary to meet international obligations and policies of the  
16 United States and for notifying the Secretary promptly of  
17 such conditions.

18 (2) The Secretary of State is authorized and encouraged  
19 to provide land remote-sensing data, technology, and training  
20 to developing nations as a component of programs of interna-  
21 tional aid.

22 (3) The Secretary of State shall promptly report to the  
23 Secretary any instances outside the United States of discrimi-  
24 natory distribution of data.



1       (c) If, as a result of conditions imposed on a system  
2 operator on the basis of national security or international ob-  
3 ligations or policies, the Secretary (in consultation with the  
4 Secretary of Defense or the Secretary of State, as the case  
5 may be) determines that additional costs will be incurred by  
6 the system operator, or that past development costs (includ-  
7 ing the cost of capital) will not be recovered by the system  
8 operator, the Secretary may require the agency or agencies  
9 requesting such conditions to reimburse the system operator  
10 for such additional or development costs, excluding antici-  
11 pated profits.

12       AMENDMENT TO NATIONAL AERONAUTICS AND SPACE

13               ADMINISTRATION AUTHORIZATION, 1983

14       SEC. 607. Subsection (a) of section 201 of the National  
15 Aeronautics and Space Administration Authorization, 1983,  
16 is amended to read as follows:

17       “(a) The Secretary of Commerce is hereby authorized to  
18 plan and provide for the management and operation of civil  
19 remote-sensing space systems, which may include the Land-  
20 sat 4 and 5 satellites and associated ground system equip-  
21 ment transferred from the National Aeronautics and Space  
22 Administration; to provide for user fees; and to plan for the  
23 transfer of the ownership and operation of civil, operational  
24 remote-sensing space systems to the private sector when in  
25 the national interest.”.

1 RELATION TO OTHER LAWS

2 SEC. 608. The requirements of this Act are in addition  
3 to, and not in lieu of, any other provision of law.

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 609. (a) There are authorized to be appropriated to  
6 the Secretary \$10,000,000 for fiscal year 1985 for the pur-  
7 pose of carrying out the provisions of section 302, title IV,  
8 and section 602 of this Act.

9 (b) The authorization provided for under subsection (a)  
10 shall be in addition to moneys authorized pursuant to title II  
11 of the National Aeronautics and Space Administration Au-  
12 thorization Act of 1983 (Public Law 97-324).

13 TITLE VII—PROHIBITION OF COMMERCIALIZA-  
14 TION OF WEATHER SATELLITES

15 PROHIBITION

16 SEC. 701. Neither the President nor any other official of  
17 the Government shall make any effort to lease, sell, or trans-  
18 fer to the private sector, commercialize, or in any way dis-  
19 mantle any portion of the weather satellite systems operated  
20 by the Department of Commerce or any successor agency.

21 FUTURE CONSIDERATIONS

22 SEC. 702. Regardless of any change in circumstances  
23 subsequent to the enactment of this Act, even if such change  
24 makes it appear to be in the national interest to commercial-  
25 ize weather satellites, neither the President nor any official

35

- 1 shall take any action prohibited by section 701 of this Act
- 2 unless this title has first been repealed.

Passed the House of Representatives April 9, 1984.

Attest: BENJAMIN J. GUTHRIE,  
*Clerk.*